

Appl. No. 09/511,265  
Amdt. Dated January 29, 2004  
Reply to Office action mailed September 29, 2003

### REMARKS/ARGUMENTS

The Applicants note that claims 1 – 9 and 12-13 are pending. Claims 10 – 11 are cancelled. Independent claims 1, 6 and 12 are currently amended. The Applicants also note that claims 1, 6 – 7 and 12 – 13 presently stand rejected by the Examiner under 35 USC § 103(e) as being anticipated by US Patent No. 6, 111, 893 to Volftsun et al (hereinafter “Volftsun”). The Applicants also note that claims 2 –5, and 8-9 presently stand rejected by the Examiner under 35 USC § 103(a) as being unpatentable over Volftsun in view of US Patent No. 5, 809,021 to Diaz et al. (hereinafter “Diaz”).

#### Claim Rejections under 35 USC § 102(e)

The Applicants again note that claims 1, 6 – 7 and 12-13 presently stand rejected by the Examiner under 35 USC § 103(e) as being anticipated by US Patent No. 6, 111, 893 to Volftsun et al (hereinafter “Volftsun”). A system functioning as multi-service switch, Volftsun discloses a network device, i.e., a remote access node, that functionally replaces a PBX and that is to be paired with a switch and is not a data switching device. Volftsun converts signals based on protocol definitions and customer-specified parameters into a non-protocol specific form (e.g., a generic protocol) and then converts the generic protocol into the requisite protocol of the receiving network. Because Volftsun does not anticipate efficient operation the multi-media switching environment, the efficient resource allocation of switching applications based on Quality of Service (QoS) is not anticipated.

In contrast to the prior art, the present invention, in its several embodiments, translates incoming data packets having a standardized protocol into a generic protocol with a descriptor. This descriptor may be employed, for example, to provision switch resources that determine Quality of Service (QoS) within the switch. With the generic packet descriptor, the switch in its several embodiments is adapted to define the priority with which packets are processed in a manner that is both uniform and consistent, independent of the protocol or media type of the inbound packets. This provides the data switch the ability to differentiate and preferentially treat high priority packet flows over lower priority flows with protocol transparency.

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Claims 1, 6 and 12 have been amended to further clarify the descriptor generation as part of the first translation process within the switch of the present invention. Accordingly, Applicants respectfully submits Volftsun does not anticipate the present invention as claimed and that the independent claims 1, 6, and 12 and their respective dependent claims 2-5, 7-9, and 13 are in condition for allowance.

#### **Claim Rejections under 35 USC § 103(a)**

The Applicant again note that claims 2-5, and 8-9 presently stand rejected by the Examiner under 35 USC § 103(a) as being unpatentable over Volftsun in view of US Patent No. 5, 809,021 to Diaz et al. (hereinafter "Diaz"). respectfully submit that time-stamping a datagram and monitoring it time in a queue is not the same as upfront QOS level based resource allocation of the present invention.

#### **New Claims**

The Applicant has added new independent claims 14 and dependent claim 15. These claims find full support in the specification and no new matter has been added. The applicant respectfully submits that claims 14-15 are in a condition for allowance.

In addition to the extension of time, an additional fee of \$86 is anticipated with this response. Should additional fees be required, authorization is hereby given to charge any additional fees, and credit any overcharges pertaining to the prosecution of this matter to Deposit Account No. 02-3979.

Respectfully submitted,

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